IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No.5653 of 2006

Between:

M/s.Eastern Power Distribution Company of A.P. Limited,

Visakhapatnam, rep. By its Chairman & Managing Director

G.Sai Prasad.

..... PETITIONER

AND

The Commercial Tax Officer-II,

Chinawaltair Circle, Visakhapatnam and others.

.....RESPONDENTS

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the disputed tax liability. Therefore, we set aside the order of the authority and direct that the petitioner shall pay 25% of the disputed tax liability on or before 31st March, 2006, and another 25% of the disputed tax liability within a period of two weeks thereafter. Till 31st March, 2006, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within the time stipulated. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, it is made clear that the amounts, if any, already deposited by the petitioner shall be given credit to, while caliculating 50% of the disputed tax liability.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, J)

22nd March, 2006

(G.Chandraiah, J)

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